

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

Lau Gilsinan, Wing Chi Gigi

Case No.: 2:22-cv-01690-JAD-VCF

Plaintiff

V.

Alejandro Mayorkas, et al.

## Defendants

## **Order Setting Hearing on Motion**

[ECF No. 2]

8 On October 19, 2022, plaintiff Wing Chi Gigi Lau Gilsinan filed a petition for a writ of  
9 mandamus, requesting that the court compel defendants Department of Homeland Security  
10 Secretary Alejandro Mayorkas and Citizen and Immigration Services Director Ur Jaddou “to  
11 take all appropriate action to adjudicate [her] application for naturalization . . . without further  
12 delay.”<sup>1</sup> On April 17, 2023, Gilsinan moved for “a status hearing” on her case.<sup>2</sup> Federal Rule of  
13 Civil Procedure 3 states that “[a] civil action is commenced by filing a complaint with the  
14 court.”<sup>3</sup> Rule 4 requires a plaintiff to serve the complaint and summons on the defendants and  
15 states that, if service is not effectuated within 90 days, the court “must dismiss the action without  
16 prejudice against that defendant[s] or order that service be made within a specified time.”<sup>4</sup>  
17 Though the petition is structured as a complaint and Gilsinan appears to have served the petition

<sup>1</sup> ECF No. 1 at 1.

<sup>2</sup> ECF No. 2 at 1.

23 | <sup>3</sup> Fed. R. Civ. P. 3.

<sup>4</sup> Fed. R. Civ. P. 4(c), (m).

1 on the government,<sup>5</sup> the docket does not reflect that the government was served a summons or  
2 that it waived service.<sup>6</sup> So, because the petition was filed more than 90 days ago,

3 **IT IS THEREFORE ORDERED** that Gilsinan must serve the summons and file proof of  
4 service by May 10, 2023.

5 **IT IS FURTHER ORDERED** that the government must file a response to plaintiff's  
6 motion by May 16, 2023, with Gilsinan's reply due on May 19, 2023.

7 **IT IS FURTHER ORDERED** that the parties must appear for a hearing on the pending  
8 motion on May 24, 2023.

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10   
11 U.S. District Judge Jennifer A. Dorsey  
12 May 3, 2023

22  
23 <sup>5</sup> ECF No. 1 at 6 (certificate of service); *see* Local Rule II 5-1 ("Proof of service may be by  
written acknowledgment of service or certificate of the person who made service").

<sup>6</sup> Fed. R. Civ. P. 4(d) (providing instructions for waiving service).